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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/810,166	03/26/2004	Binh T. Nguyen	IGT1P104/P-897	8341

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Weaver Austin Villeneuve & Sampson LLP - IGT  
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P.O. Box 70250  
Oakland, CA 94612-0250

EXAMINER
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KIM, ANDREW

ART UNIT	PAPER NUMBER
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3714

MAIL DATE	DELIVERY MODE
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06/04/2009

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/810,166	<b>Applicant(s)</b> NGUYEN ET AL.	
	<b>Examiner</b> ANDREW KIM	<b>Art Unit</b> 3714	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 19 March 2009.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-7, 10-27, 30-35 and 38-40 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-7, 10-27, 30-35 and 38-40 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 26 March 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)            | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | Paper No(s)/Mail Date. _____                                      |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>3/19/09</u> .   | 6) <input type="checkbox"/> Other: _____                          |

## DETAILED ACTION

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

**Claims 1-7, 10-27, 30-35, and 38-40 are rejected under 35 U.S.C. 103(a) as being unpatentable over Phillips (Quest et al) (EP 0738991 A2) in view of Jenkins et al. (US 5999952).**

Claims 1, 22-24, 33, 38. A gaming machine adapted for accepting wagers and granting monetary awards, comprising:

a master gaming controller adapted to control game play and authorize payouts and other awards on said gaming machine, said master gaming controller located in a main cabinet of the gaming machine (col. 1:54-58, col. 1:1-6, 6:5-10);

one or more major components, wherein at least one of said one or more major components comprises a top box that contains a plurality of peripheral devices and a first universal communication interface, is adapted to be removable from said gaming machine, and is interchangeable with other similar major components also so adapted (col. 2:29-43, 6:41-50); and

a universal gaming engine located outside the main cabinet, said universal gaming engine having at least one dedicated processing unit, at least one associated storage device and a second universal communication interface, wherein said universal gaming engine is adapted to control a substantial portion of said plurality of peripheral devices on said removable and interchangeable major component (col. 3:12-31, col. 6:5-31).

Major component comprising one or more items dedicated toward a first game theme or second game them (col. 2-4)

Quest substantially discloses the invention as claimed such as claim 1 but fails to explicitly teach a universal game engine located outside the main cabinet. Instead, Quest discloses a gaming machine with replaceable panels and game cards. In an analogous reference, Jenkins discloses a modular core machine unit that processes information when attached to a computer (Jenkins, 9:52). One of ordinary skill in the art would have seen the benefit of modifying Quest with a modular core unit to easily change out information and function of a computerized system (1:20-45, 3:20-25)). This allows the system to change function or games quickly and easily which minimizes down time of machines and reduces overhead. Therefore, it would have been obvious

to one of ordinary skill in the art at the time of the instant invention to modify Quest with a modular core unit or universal gaming engine for easy, fast and cheap changing of programs on gaming terminals.

Although the term top box is not explicitly defined in the specification such that one can differentiate between the components in Quest and the components in the instant application, if one assumed that the two were distinct, it would have been obvious to one of ordinary skill in the art to apply the modular concept to top box gaming machines to streamline the change of the games of the gaming machines to increase player appeal. US 2005/0054449 is an example of the art and the desire to have modular top boxes.

Claim 2. Quest discloses wherein said removable and interchangeable major component is adapted to detach from both said main cabinet (col. 5:41-47).

Claim 3. Quest discloses wherein said universal gaming engine is adapted to remain attached to said gaming machine despite any detachment of said removable and interchangeable major component (col. 6:5-31).

Claim 4. Quest discloses wherein said universal gaming engine is interposed between said main cabinet and said top box, and said removable and interchangeable major component and said universal gaming engine are adapted to detach from said main

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cabinet as a combined unit (col. 6:5-37). One can take apart the machine and take the two components out together.

Claim 5. Quest discloses wherein said removable and interchangeable major component is adapted to detach from said universal gaming engine (col. 6:33-37).

Claims 6, 34. Quest discloses wherein said removable and interchangeable major component comprises a top box (col. 6:5-32). The top box is simply a display panel with electrical display devices co-operable with the display panel (claim 1).

Claims 7, 35. Quest discloses wherein said universal gaming engine comprises a universal top box engine, said universal top box engine adapted to control all peripheral devices on said top box (col. 6:5-32).

Claim 10. Quest discloses wherein said universal gaming engine is adapted to control all of the plurality of peripheral devices on a top box (col. 4:18-25, col. 6:5-32).

Claim 11. Quest discloses wherein said universal gaming engine contains a power supply adapted to provide power to said removable and interchangeable major component (col. 3:36).

Claim 12. Quest discloses wherein said universal gaming engine comprises a

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communications buffer between said master gaming controller and a substantial portion of said plurality of peripheral devices on said removable and interchangeable major component (col. 6:15).

Claim 13. Quest discloses wherein said dedicated processing unit comprises a central processing unit residing on said universal gaming engine (col. 6:6).

Claims 14-16. Quest substantially discloses the invention as claimed but fails to explicitly teach an operating system code such as Windows or Linux that is approved for use in a gaming machine. Instead, Quest discloses a program card that contains program instructions for the game. It would have been obvious to one of ordinary skill in the art that this program card would contain instructions that operates on the operating system of the module and that the instruction code would be approved by a gaming commission and further that the operating system would be commonly used such as windows or linux because the aforementioned operating systems are common enough that finding programmers in those platforms are easier and cheaper than finding them in some obscure operating system and having the code approved by a gaming commission allows the program to be used on the casino floor which generates income. Therefore, it would have been obvious to one or ordinary skill in the art at the time of the instant invention to modify Quest with program code approved by a gaming jurisdiction and written for windows or linux platform to generate income and save money on production.

Claim 17. Quest discloses wherein said plurality of peripheral devices comprises one or more devices selected from the group consisting of a video display unit, a speaker, an audio amplifier, a light, a touch screen, an input button, a coin acceptor, a bill acceptor, a ticket acceptor, a coin hopper, a coin dispenser, a ticket printer, a card reader and a mechanical motor (fig. 1).

Claim 18. Quest discloses wherein said first universal communication interface mates with said second universal communication interface (col. 6:12-32).

Claim 19. Quest discloses wherein said second universal communication interface comprises a standardized layout of physical connections that is consistent across a plurality of other universal gaming engines (col. 6:12-32).

Claim 20. Quest discloses wherein said standardized layout of physical connections comprises a grid of ported connections (col. 6:12-32).

Claim 21. Quest discloses wherein said standardized layout of physical connections comprises a power connection adapted to provide power across a mating of universal communication interfaces (col. 6:12-32).

Claim 25. Quest discloses wherein said removable and interchangeable major

component is adapted to detach from said first gaming machine, said universal gaming engine, or both (col. 5:41-47).

Claim 26. Quest discloses wherein said removable and interchangeable major component comprises a top box (col. 6:5-32). The top box is simply a display panel with electrical display devices co-operable with the display panel (claim 1).

Claim 27. Quest discloses wherein said universal gaming engine comprises a universal top box engine, said universal top box engine adapted to control a substantial portion of said plurality of peripheral devices on said top box (col. 6:5-32).

Claim 30. Quest discloses wherein said universal gaming engine is adapted to control all of said plurality of peripheral devices on a top box of said first gaming machine (col. 4:18-25, col. 6:5-32).

Claim 31. Quest as modified by Rowe substantially discloses the invention as claimed but fails to explicitly teach an operating system code such as Windows or Linux that is approved for use in a gaming machine. Instead, Quest discloses a program card that contains program instructions for the game. It would have been obvious to one of ordinary skill in the art that this program card would contain instructions that operates on the operating system of the module and that the instruction code would be approved by a gaming commission and further that the operating system would be commonly used

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such as windows or linux because the aforementioned operating systems are common enough that finding programmers in those platforms are easier and cheaper than finding them in some obscure operating system and having the code approved by a gaming commission allows the program to be used on the casino floor which generates income. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the instant invention to modify Quest with program code approved by a gaming jurisdiction and written for windows or linux platform to generate income and save money on production.

Claim 32. Quest discloses wherein said first universal communication interface mates with said second universal communication interface, and wherein said second universal communication interface comprises a standardized layout of physical connections that is consistent across a plurality of other universal gaming engines (col. 6:15).

Claims 39 and 40. Quest substantially discloses the invention as claimed but fails to explicitly teach a top box with a plurality of peripheral devices. However, it is notoriously well known in the art to include these devices in a top box display to attract players and increase player appeal.

### ***Response to Arguments***

Applicant's arguments filed 3/19/09 have been fully considered but they are not persuasive. Applicant's arguments with respect to claims 1-40 have been considered but are moot in view of the new ground(s) of rejection.

Regarding claim 6 and 34, the dependent claims no longer further limit the independent claim.

### **Conclusion**

Any inquiry concerning this communication or earlier communications from the examiner should be directed to ANDREW KIM whose telephone number is (571)272-1691. The examiner can normally be reached on M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Dmitry Suhol can be reached on 571-272-4430. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Dmitry Suhol/  
Supervisory Patent Examiner, Art  
Unit 3714

6/3/2009

  
**XUAN M. THAI**  
**SUPERVISORY PATENT EXAMINER**  
7/22/09

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Examiner, Art Unit 3714